

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Agere Systems Inc.Application No./Patent No.: 09/459,831 Filed/Issue Date: 12/13/99Entitled: Communications System and Associated Methods with Out-of-Band ControlAgere Systems Inc., a Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: Inventor(s) To: Lucent Technologies Inc.

The document was recorded in the United States Patent and Trademark Office at
Reel 010545, Frame 0854, or for which a copy thereof is attached.

2. From: Lucent Technologies Inc. To: Agere Systems Guardian Corp.

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: Agere Systems Guardian Corp. To: Agere Systems Inc.

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☒ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

William H. Bollman
Signature

May 10, 2005

Date

William H. Bollman

Printed or Typed Name

202-261-1000

Telephone Number

Attorney of Record

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Delaware

PAGE 1

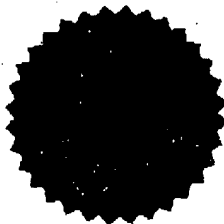
The First State

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF OWNERSHIP, WHICH MERGES:

"AGERE SYSTEMS GUARDIAN CORP.", A DELAWARE CORPORATION, WITH AND INTO "AGERE SYSTEMS INC." UNDER THE NAME OF "AGERE SYSTEMS INC.", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE TWENTY-NINTH DAY OF AUGUST, A.D. 2002, AT 9 O'CLOCK A.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE EFFECTIVE DATE OF THE AFORESAID CERTIFICATE OF OWNERSHIP IS THE THIRTY-FIRST DAY OF AUGUST, A.D. 2002.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.



Harriet Smith Windsor

Harriet Smith Windsor, Secretary of State

3268412 8100M

020545223

AUTHENTICATION: 1959517

DATE: 08-29-02

STATE OF DELAWARE
SECRETARY OF STATE
DIVISION OF CORPORATIONS
FILED 09:00 AM 08/29/2002
020545223 - 3268412

CERTIFICATE OF OWNERSHIP AND MERGER

OF

Agere Systems Guardian Corp.
(a Delaware corporation)

INTO

Agere Systems Inc.
(a Delaware corporation)

**UNDER SECTION 253 OF THE GENERAL
CORPORATION LAW OF THE STATE OF DELAWARE**

Agere Systems Inc., a corporation organized and existing under the laws of Delaware ("Corporation"), **DOES HEREBY CERTIFY:**

FIRST: The Corporation is the owner of all of the outstanding shares of common stock of Agere Systems Guardian Corp., which is also a business corporation of the State of Delaware.

SECOND: On August 22, 2002 the Subsidiary Governance Committee of the Board of Directors of the Corporation adopted the following resolution to merge Agere Systems Guardian Corp. into the Corporation:

RESOLVED that Agere Systems Guardian Corp., a Delaware corporation, shall be merged with and into Agere Systems Inc., a Delaware corporation, with Agere Systems Inc. being the surviving corporation, and Agere Systems Inc. shall thereupon assume all of the obligations of Agere Systems Guardian Corp."

THIRD: That the merger authorized hereby shall become effective as of 9:00 a.m. Eastern Standard Time on August 31, 2002.

Executed on August 22, 2002

AGERE SYSTEMS INC.

By

Paul Bento

Paul Bento, Vice President

EXECUTION COPY

PATENT ASSIGNMENT

by and between

LUCENT TECHNOLOGIES INC.

and

AGERE SYSTEMS GUARDIAN CORP.

Dated as of January 30, 2001

PATENT ASSIGNMENT

THIS PATENT ASSIGNMENT (this "Assignment"), effective as of January 30, 2001 (the "Effective Date"), is by and between Lucent Technologies Inc., a Delaware corporation, with offices at 600 Mountain Avenue, Murray Hill, New Jersey 07974, United States of America, ("ASSIGNOR") and Agere Systems Guardian Corp., a Delaware corporation, with offices at 555 Union Boulevard, Allentown, PA 18109, United States of America ("Agere Systems Guardian").

RECITALS

A. WHEREAS, the Board of Directors of ASSIGNOR has determined that it is in the best interests of ASSIGNOR and its stockholders to separate ASSIGNOR's existing businesses into two independent businesses;

B. WHEREAS, ASSIGNOR presently owns or controls certain patents, patent applications, and invention submissions listed in the attached Appendices A and B (hereinafter "TRANSFERRED PATENTS") and;

C. WHEREAS, in furtherance of the foregoing separation, ASSIGNOR desires to transfer, assign, convey, deliver and vest all of its interests and rights in TRANSFERRED PATENTS for all countries, jurisdictions and political entities of the world, to and in Agere Systems Guardian;

NOW, THEREFORE, in consideration of the premises and for other good and valid consideration, the receipt and sufficiency of which are hereby acknowledged, the parties, intending to be legally bound, agree as follows:

ASSIGNOR, subject to existing rights and licenses of third parties, does hereby assign, convey, transfer and deliver, and agrees to assign, convey, transfer and deliver to Agere Systems Guardian, its successors, assigns and legal representatives or nominees, ASSIGNOR's entire right, title and interest, for all countries, jurisdictions and political entities of the world, along with the right to sue for past infringement, to all TRANSFERRED PATENTS listed on Appendices A and B, and corresponding counterpart foreign patents and patent applications, with respect to which, and to the extent to which, ASSIGNOR now has or hereafter acquires the right to so assign, convey, transfer and deliver. Agere Systems Guardian recognizes that ASSIGNOR holds only bare legal title to the TRANSFERRED PATENTS listed in Appendix A (which lists the United States Patents and patent applications previously exclusively licensed to Lucent Technologies Microelectronics Guardian Corp.).

ASSIGNOR and ASSIGNEE recognize that the patents listed in Appendices A and B may inadvertently include patents that are owned by various subsidiaries of ASSIGNOR, including Agere, Inc., Ortel Corporation, Optimay Corporation, Henmann Technology, Inc., and Enable Semiconductor, Inc. Ownership of such patents shall not be affected by this Patent


Assignment, and ASSIGNEE agrees that any such patents shall be deemed deleted from Appendices A and B.

ASSIGNOR agrees that, upon request it will, at any time without charge to Agere Systems Guardian, but at Agere Systems Guardian's expense, furnish all necessary documentation relating to or supporting chain of title, sign all papers, take all rightful oaths, and do all acts which may be necessary, desirable or convenient for vesting title to TRANSFERRED PATENTS in Agere Systems Guardian, its successors, assigns and legal representatives or nominees; including but not limited to any acts which may be necessary, desirable or convenient for claiming said rights and for securing and maintaining patents for said inventions in any and all countries and for vesting title thereto in Agere Systems Guardian and its respective successors, assigns and legal representatives or nominees.


Execution Copy

IN WITNESS WHEREOF, the parties have caused this PATENT ASSIGNMENT to be executed by their duly authorized representatives as of the Effective Date.

LUCENT TECHNOLOGIES INC.

By: 
Daniel P. McCurdy
President, Intellectual Property Business

AGERE SYSTEMS GUARDIAN CORP.

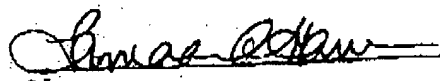
By: 
Fred M. Romano
President

Execution Copy

ACKNOWLEDGMENTS

STATE OF NEW JERSEY)
: ss:
COUNTY OF SOMERSET)

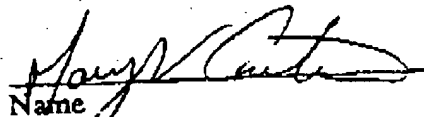
I CERTIFY that on January 30, 2001, Daniel P. McCurdy personally came before me and this person acknowledged under oath, to my satisfaction that:
a.) this person signed, sealed and delivered the attached Patent Assignment as President - Intellectual Property Business of Lucent Technologies Inc.; and
b.) this Patent Assignment was signed and made by Lucent Technologies Inc. as its voluntary act and deed by virtue of authority from its Board of Directors.



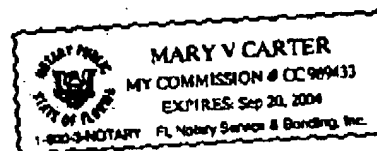
Name TAMORA ANNE HANNA
Notary Public Notary Public of New Jersey
My Commission Expires Registered in Hunterdon County
[Notarial Seal] My Commission Expires March 25, 2002

STATE OF FLORIDA)
: ss:
COUNTY OF ORANGE)

I CERTIFY that on January 31, 2001, Fred M. Romano personally came before me and this person acknowledged under oath, to my satisfaction that:
a.) this person signed, sealed and delivered the attached Patent Assignment as Vice President of Agere Systems Guardian Corp.; and
b.) this Patent Assignment was signed and made by Agere Systems Guardian Corp. as its voluntary act and deed by virtue of authority from its Board of Directors.



Name
Notary Public
My Commission Expires:
[Notarial Seal]



APPENDIX B (continued)
Transferred Patents (patent disclosures)

IDS No.	Inventors	Subject Matter
	Zierdt,BL01131J0	
Fetter 12-13	Fetter, Linus Albert ,BL0111130,Lenz, Gadi ,BL0111180,	High Resolution Ablation Of Thin Films
Fischer 34-48	Fischer, Jonathan Herman ,5388CR200,Laturell, Donald Raymond ,5388CR200,	High Output Power Digital to Analog Converter
Fischer 35-47-14	Jonathan H Fischer,5388CR200;Donald R Laturell,5388CR200;Vladimir Sindalovsky,5388CR200	Adaptive Interference Cancellation For ADSL
Fredrickson 1	Fredrickson, Lisa ,OUTSIDE,	Improved Multi-Rate Reed Solomon Encoders
Frei 8-17-82-7-17	Frei, Michel Ranjit ,BL0111240,King, Clifford Alan ,BL0111240,Ma, Yi ,538113000,Mastrapasqua, Marco ,BL0111240,Ng, Kwok K ,BL0111240,	Heterojunction Bipolar Transistor
Fuehrer 3-48-26-2	Timothy W Fuehrer,5388CR200;Donald R Laturell,5388CR200;Lane A Smith,5388CR200;Christopher J Wittensoldner,5388CR300	Inductive Coupling For Silicon Data Access Arrangement
Glebov 3-50-23	Alexei Glebov,BL0111240;Isik C Kiziyali,5381C1000;Ranbir Singh,5381C4000	Porous-Si for ILD Using A Damascene Process
Goldovsky 9	Alexander Goldovsky,538843000	Fast Overflow Flag Generation for Addition Operation
Goodwin 4-4-2	Charles A Goodwin,55K095500;Daniel D Leffel,55K095100;William R Lewis,50N032000	Nitride Layer In Dielectrically Isolated Substrates
Hakami 1	Mohammad R Hakami,538841000	Hierarchical Carry-Select Multiple-Input Split Adder
Harris 9	Edward B Harris,5381C8000	Method Of Etching Self-Aligned Vias To Metal Using A Silicon Nitride Spacer
Havens 12-7-4	Joseph H Havens,538710000;Bruce W McNeill,571000000;Christopher J Strobel,50M333300	Tracking Percent Overload Signal As Indicator of Output Signal Magnitude
Higashi 13	Gregg S Higashi,538113000	N/A
Higashi 14	Gregg S Higashi,538113000	System and Method For Removal Of Material
Hossain 2	Hossain, Ashfaq ,BL0314400,	Balancing Load On Internet Servers Using Fuzzy Logic-Based Decisions
Houge 15-20-12-28-19	Houge, Erik Cho ,55K11J000,McIntosh, John Martin ,538116000,Plew, Larry E. ,55K11J000,Stevie, Fred Anthony ,55K11J000,Vartuli, Catherine ,55K11J100,	Discerning Two Overlapping Kikuchi Band Formation Patterns In Electron Backscatter Diffraction Pattern Analysis
Houge 17	Erik C Houge,55K11J000	Optical Structures And Methods For X-Ray
Houge 8-15-16-1-11	Houge, Erik Cho ,55K11J000,McIntosh, John Martin ,538116000,Stevie, Fred Anthony ,55K11J000,Vallee, Steven Barry ,55K11J100,Vartuli, Catherine ,55K11J100,	Mass Spectrometer Particle Counter
Huggins 6	Harold A Huggins,BL01131F0	Method Of Fabricating Thin Film R.F. Components On Membranes
Jin 202-69	Jin, Sungho ,BL0111750,Zhu, Wei ,BL0111750,	Process For Controlled Growth Of Carbon Nanotubes